requested to see how far these difficulties could be removed. The High Court will be asked to consider the Member's remarks in connection with the revision of the Civil Rules of Practice. In regard to *nirak*, orders have already been issued to see that the entries are checked by responsible officers.

34. Some suggestions for the better administration of justice in Munsiffs' Courts.

Mr. S. Nilakanta Aiyar (Member, Municipal Council, Attingal) represented that the circular of the High Court insisting on the disposal of 40 contested cases in a month by a Munsiff should be cancelled, as the officers in their eagerness to act up to the circular sacrificed quality for quantity. In order that the arrears in the Munsiffs' courts might be cleared off, the Member made the following suggestions:—

(1) that the territorial and pecuniary jurisdiction of the Panchayat courts be increased so as to relieve the Munsiffs of a large number of small cause suits; that the selection of judges to the Panchayat Courts should depend solely upon ability and character; and that at least in the administration of justice the principle of communal representation be not adhered to;

(2) that the status, pay and minimum qualifications of the head ministerial officers of the Munsiffs' Courts be increased;

(3) that a more thorough and frequent inspection of the Munsiffs' Courts be ordered;

(4) that the opinion expressed in the inspection notes and the quality of work turned out should be the guiding factors in the award of promotions;

(5) that stringent instructions be issued to the effect that preference should be given to old cases and that no case should be pending which is more than two years old; and

(6) that new Munsiffs' Courts be opened, if necessary.

The Member next pointed out that Civil Circular No. 65 as amended by Circular No. 7 of 81 required that encumbrance certificates for a period of 12 years should be produced by decree-holders for the sale of properties in execution of decrees. These certificates served no useful purpose and might be dispensed with.

In attaching and proclaiming immovable properties for sale, copies of revenue records should be produced. In order to save delay in the production of such records from taluk offices, a G. O. should be issued to all taluk offices to see that copies were granted without delay.

Civil Circular No. 37 of 1075 regarding the granting of copies of judicial proceedings in courts should be amended so as to allow all parties and practising lawyers to obtain copies thereof, irrespective of the question whether they have vakalats or not. Effective steps should be taken to see that processes are executed in time. The cost of bedding and clothing recovered from decree-holders being excessive and not uniform, the levy of this cost should be put a stop to immediately. Section 11 of the Court Fees Regulation, VI of 1087, allowed the refund of court fees paid under certain conditions. For instance, when a suit in appeal was compromised or when a suit was decided solely on the admission of the parties without any investigation, one-half of the fees paid might be refunded to the party who paid it. This Section should be so amended as to compel the court to refund one-half of the court fees in such cases.

Regarding the destruction of records under Section 2 of Regulation III of 1057, the periods fixed were arbitrary and it was desirable that the records should not be destroyed till 12 years after the execution.

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Dewan's reply.—I shall communicate all your remarks to the High Court and I dare say that the High Court will consider them in connection with the revision of the Civil Rules of Practice. I was not aware of the replies given to Mr. Nidiry's interpellation with reference to the production of certificates in connection with the application for copies. That reply was given before I came to Travancore. I shall look into the matter and issue orders without delay.

In regard to Panchayat Courts, you will be interested to learn that the High Court think that the time has arrived for the establishment of more courts and, as you know, the pecuniary jurisdiction of these courts has been raised to Rs. 50 recently. The question of creating more Panchayat Courts and the extension of their territorial jurisdiction will be taken up for consideration very soon.

In regard to ministerial officers in civil courts, the Salaries Committee have made certain recommendations and they will be considered.

Steps are being taken to amend the law in order to give the High Court power to depute one of the judges to make surprise visits to the subordinate courts during working seasons. District Judges do not now inspect Munsiffs' Courts. In British India District Judges inspect all the Munsiffs' Courts once a year. They should do so here also, I think. I shall correspond with the High Court about this.

In regard to the promotion of Munsiffs, I am sure that the High Court are taking into consideration all the points mentioned by you before they recommend promotion to individual officers. Such recommendations do not proceed from a single judge, but are made by all the Judges of the High Court.

As regards the encumbrance certificate, I quite appreciate the difficulty pointed out. I asked the Director of Registration what objection there could be to giving a certificate to the effect that, with reference to the records with the Government, there were such and such encumbrances on the property, and I understand that the absence of a field-war subsidiary index stands in the way of the issue of complete encumbrance certificates. But the certificates are useless unless they say that such and such are the encumbrances. I think a proper certificate should be given even if it involves more labour and the payment of more fees by the parties. I shall refer the matter to the Director of Registration.

The other points mentioned by you will be referred to the High Court.

35. Grievances of the public consequent on the enhancement of process and other fees and hardships involved in certain items of procedure adopted by Civil Courts with suggestions for remedying the same.

Mr. A. Krishna Pillai (Member, Trading Classes, Kayankulam) represented that the administration of justice was once free and that there was no justification for making it a source of profit to the Government. The income derived from court fees and process fees was already more than sufficient to meet the cost of administration of justice and the recent enhancement of process fees and copying fees was therefore unnecessary and unjustifiable and deserved to be cancelled. He also said that fee was realised on compromise petitions in criminal cases in pursuance of a circular issued by Government, that the institution of such fee was not authorised by Section 22 of the Court Fees Regulation and that the fees hitherto realised from the parties under this head should be returned. In the Malayalam Administration Report, he could not find out the figures relating to judicial receipts and expenditure. The Member also pointed out:—

(1) that the High Court's circular insisting on both the parties getting attested copies of records for the conduct of cases was uncalled for and should not be enforced as it only served to delay the disposal of cases and gave increased work to copyists;

(2) that the production of encumbrance certificates for the auction sale of immovable properties should not be insisted on as it served no useful purpose;

(3) that notice to defendants should not be insisted on when plaintiffs wished to bid at auction sales in courts;

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